UNITED STATES
v.
LESLIE HARLING AND WILLIAM HARLING

IBLA 77-255 Decided August 31, 1977

Appeal from decision by Administrative Law Judge E. Kendall Clarke declaring placer mining claims null and void for lack of discovery. CA 1905.

Affirmed.

1. Mining Claims: Discovery: Generally

A discovery of a valuable mineral deposit has been made where minerals have been found and the evidence is of such a character that a person of ordinary prudence would be justified in the further expenditure of his labor and means with a reasonable prospect of success in developing a valuable mine.

2. Administrative Procedure: Burden of Proof--Mining Claims: Contests--Mining claims: Discovery: Generally

When the Government contests a mining claim on a charge of no discovery, it assumes the burden of going forward with sufficient evidence to establish a prima facie case; the burden then shifts to the claimant to show by a preponderance of the evidence that a discovery has been made and still exists within the limits of the claim.

3. Administrative Procedure: Hearings--Mining Claims: Hearings

The Government has established a prima facie case when a mineral examiner testifies that he has examined a mining claim and has found the mineral values insufficient to support a finding of discovery.

4. Administrative Procedure: Administrative Procedure Act--
Administrative Procedure: Hearings--Rules of Practice: Hearings

Where an Administrative Law Judge's decision contains a ruling, in a single sentence, on all of the proposed findings and conclusions submitted by a party to a hearing and the ruling on each finding and conclusion is clear, there is no requirement that the Judge rule separately as to each of the proposed findings and conclusions.

APPEARANCES: Jane Skanderup, Esq., Yreka, California, for contestees; Charles F. Lawrence, Esq., Office of the Regional Solicitor, U.S. Department of Agriculture, San Francisco, California, for contestant.

OPINION BY ADMINISTRATIVE JUDGE RITVO

Leslie Harling and William Harling have appealed from a decision by Administrative Law Judge E. Kendall Clarke dated March 7, 1977, which declared the Sunny Flat Placer Mining Claim null and void for lack of discovery of a valuable mineral deposit. The claims are located in the SE 1/4 Sec. 13 and the NE 1/4 Sec. 24, T. 10 N., R. 7 E., Humboldt Meridian, in the Klamath National Forest.

This proceeding was initiated by a contest complaint filed by the Bureau of Land Management at the request of the Forest Service, U.S. Department of Agriculture.

[1-3] The complaint alleged three grounds. The grounds were (1) lack of a valuable discovery, (2) the lands embraced within the claim were nonmineral in character, and (3) the lands were not held in good faith for mining purposes. In his decision the Administrative Law Judge found there was no showing that a discovery exists on the Sunny Flat Placer Mine, and he did not rule specifically on the other two allegations in the complaint. The Judge's decision sets out in detail the evidence and applicable law as well as his findings and conclusion. We are in agreement with his decision, and, therefore, we adopt it as the decision of this Board. A copy of it is attached hereto.

We address the particular points raised in the appeal. The first point is the claimed inadequacy of the evidence presented by the Contestants, specifically that Government Mineral Examiner Ball is not qualified as an expert in placer gold mining, and his opinion

that the material could not be mined was without basis. The second point raised on appeal is the asserted insufficiency of Findings of Fact in the opinion below making it impossible to determine what the decision was as to each requested finding and whether the ultimate decision is supported by the findings.

We disagree with Contestees' assertion that the Mineral Examiner is not qualified as an expert to testify about gold placer mining. The Mineral Examiner had a sufficient educational background and work experience to testify about gold placer mining. He had examined mining claims for 14 years, his lack of work experience as a gold placer miner (Tr. 59) does not detract from his expertness.

The law does not require an expert witness to be the best witness available, nor does the law prohibit a generalist in a field from testifying where an expert is available. That a witness is not an expert in a particular area goes to the weight of the testimony, not its admissibility. Wigmore on Evidence (3rd ed.), § 569.

[4] Contestees complain the Administrative Law Judge was too terse in his handling of many of their nine requested findings of fact. Therefore, they claim a violation of 5 U.S.C. § 557 (1970) which requires a ruling on each finding presented. Contestees' Statement of Reasons says "[a] review of the decision is meaningless without the required findings."

However, contestees do not tell us except for their first proposed finding of fact, which of their other proposed findings were not discussed in a manner of which they approve. Our own examination of this point on appeal leads us to conclude the Administrative Law Judge merely exercised his discretion in deciding which of the proposed findings of fact were germane. 1/ The Department and the courts, have held that where an Administrative Law Judge rules, in a single sentence, on all of the proposed findings and conclusions submitted by a contestee, and the ruling on each finding and conclusion is clear, it is not necessary that the Judge make a separate ruling on each finding and conclusion. United States v.

1/ In the case of Stauffer Laboratories, Inc. v. F.T.C., 343 F.2d 75 (1965) the 9th Circuit while discussing required findings of fact under 5 U.S.C. § 557 (1970), amending 5 U.S.C. § 1007(b) (1964), cited with approval Judge Learned Hand's language in Petterson Lighterage & Towing Corp. v. New York Central R. Co., 126 F.2d 992, 996 (2d Cir. 1942): "Findings should not be discursive; they should not state the evidence or any of the reasoning upon the evidence; they should be categorical and confined to those propositions of fact which fit upon the relevant propositions of law."

Zweifel, 11 IBLA 53, 99-100, 80 I.D. 323, 344 (1973); Civil No. C-5276 (D. Colo. Dismissed without prejudice, October 31, 1973), aff'd sub nom. 389 F. Supp. 87 (D. Colo. 1975), 549 F.2d 158 (10 Cir. 1977); National Labor Relations Board v. Sharples Chemicals, Inc., 209 F.2d 645, 652 (6th Cir. 1954); United States v. Charles Pfizer & Co., Inc., 76 I.D. 331, 352 (1969).

This is what the Administrative Law Judge has done.

Therefore pursuant to the authority delegated to the Board of Land Appeals by the Secretary of the Interior, 43 CFR 4.1, the decision appealed from is affirmed.

_____
Martin Ritvo
Administrative Judge

We concur:

_____
Frederick Fishman
Administrative Judge

_____
Joseph W. Goss
Administrative Judge

March 7, 1977

United States of America,	:	Contest No. CA-1905
	:	
Contestant	:	Involving the Sunny Flat
	:	Placer Mine aka The Sunny
v.	:	Flat Placer Mine aka Sunny
	:	Flat Placer and Sunny Flat #2
Leslie Harling :		Placer Mining Claims, situated
(aka Leslie I. Harling) and	:	in the SE-1/4 Sec. 13 and the
William Harling :		NE-1/4 Sec. 24, T. 10 N.,
(aka William D. Harling),	:	R. 7 E., Humboldt Meridian,
	:	Siskiyou County, California
Contestees	:	

DECISION

Appearances: Charles F. Lawrence, Attorney, Office of the General Counsel, United States Department of Agriculture, San Francisco, California, for the Contestant;

Jane Skanderup, Attorney, Yreka, California, for the Contestees.

Before: Administrative Law Judge Clarke

This proceeding was initiated by the Bureau of Land Management (B.L.M.), on behalf of the Forest Service, through the filing of a Complaint on July 15, 1974. The Complaint in paragraph five alleges as follows:

"A. There are not presently disclosed within the boundaries of the mining claims minerals of a variety subject to the mining laws, sufficient in quantity, quality, and value to constitute a discovery.

B. The land embraced within the claims is nonmineral in character.

C. The land embraced by the claims is not held in good faith for mining purposes."

On September 16, 1974, an Answer to the Complaint was filed. By Notice of Hearing issued on February 6, 1976, the matter was set for hearing on April 1, 1976, in Yreka, California, and was held as scheduled.

SUMMARY OF TESTIMONY

Emmett B. Ball, Jr., a mining engineer employed by the Forest Service, testified that he graduated from the University of Nevada in 1951 with a degree in mining engineering. (Tr. 19-20). He identified Exhibit 9 and Exhibit 10 which he had marked to show the approximate location of the claim which he first visited on September 19, 1973, where he was met by Les Harling. (Tr. 21-23). Les Harling pointed out three cuts on the claim, and he sampled two of the three. At that time, Les Harling indicated to him that he was interested in placer gold. (Tr. 24). Mr. Ball described two of the cuts as being made by a backhoe and the other as a hand dug trench. Two of the cuts were in back of the cabin on the claim, and the third cut was at the extreme north end as marked on Exhibit 8 as "portal". (Tr. 25).

Mr. Ball stated in regard to the sampling he did on the claim that:

> "* * * this is all they had open, so that's the only thing I could sample, and they said that was the only thing they had open." (Tr. 26).

He took one 5-pan sample from one of the backhoe cuts and one 3-pan sample at the portal. He panned these samples down then sent the concentrates to the Metallurgical Laboratories, Inc., in San Francisco for analysis. (Tr. 26-27). Mr. Ball identified Exhibit 11 as the report received from the Metallurgical Laboratories, Inc., on which he calculated the values to be approximately one cent per cubic yard at the present price of gold ($130.00 an ounce). (Tr. 29). It was his opinion that material containing that amount of gold could not be profitably mined. (Tr. 30).

He felt that the samples he took on the first visit were adequate to indicate the values.

Mr. Ball testified that he and Bill Baker from the District office further examined the claim on March 29, 1976. (Tr. 31). They walked around the claim area and looked at the new cuts that had been made on the claim. He described the new cuts as bulldozer cuts and stated that he observed a change in the portal as follows:

> "* * * there was--up the portal; that was different from when I'd sampled before, because now there's a--there is actually a portal of a--an adit or a drift in there that wasn't there in '73." (Tr. 32).

There was also a trailer on the claim which he did not remember as being there during his 1973 examination. Mr. Ball described the new cuts as follows:

> "* * * Cut No. 1 was--well, when I paced it off, I think it was about 60 feet long and right about 15 feet wide and 10--10 foot at the deepest point." (Tr. 32).
>
> "Cut No. 2 which was a little deeper, and it cut across an old ditch, and there was a pipe laying--hanging across the cut because this pipe went down the ditch. * * * Cut No. 2, was a little deeper than Cut No. 1; probably 12 foot at the deepest point.
>
> Cut No. 3 was a shallow cut. They had one--one little spot there was about 4 foot deep. The rest of it being shallower than that. All three of them show some river rock, rounded rock. Cut No. 1, appeared very little in that one. No. 2 had quite a bit more and No. 3, they would just--there they scraped off dirt and sand and vegetation in that area of Cut No. 3." (Tr. 33).

Les Harling was not present at the time of the March 29, 1976, examination.

Mr. Ball testified that he took one 5-pan sample out of Cut No. 2 and panned it down the next day, but he could not find any color in it. (Tr. 34). The basis of his selection to sample Cut No. 2 was that:

> "* * * in Cut No. 2, I could get the deepest of any of the places, so that's where I took it. I took it from the side of the cut, dug down into the undisturbed material in the bottom a little bit, and took a channel in the bottom portion of the cut--side wall of the cut." (Tr. 34).

He also testified that there were some fresh backhoe cuts made on the claim. (Tr. 45).

Richard Kessler testified that he is currently employed by the Modoc National Forest. Prior to this position, from May 1970 to October 1974, he was employed in the Salmon River District of the Klamath Forest as

a resource assistant with duties of administering mining claims, timber sales, and special use permits. (Tr. 73). He testified chronologically of his observations on the claim beginning in 1970. At that time, he observed no apparent occupancy or use of the cabin on the claim and no mining activity. In 1972, activity appeared to be in the area, but to what extent, he was not sure. In April of 1973, he made his first contact with Les Harling and noted that the cabin on the claim was being used as a residence; there was a garden with a few crops evident. (Tr. 74-75). He testified that approximately once a month in the summer of 1973, he observed that the use of the cabin and the gardening was continuing. He observed no mining operations. In August of 1973, the Contestees were notified that a mineral examination was scheduled for September of 1973, and on the examination date, September 19, Mr. Kessler testified that the cabin was still occupied, and that he did see the various backhoe cuts made on the claim. Before he transferred to the Modoc National Forest, he viewed the claim various times during the winter of 1973 to 1974, but he did not see any other workings of a mining nature. (Tr. 76-78).

William Baker testified that he is employed by the Forest Service at Sawyers Bar where his duties involve the administration of timber sales, special use permits, and minerals. (Tr. 84). He first visited the claim in June of 1975 and observed no mining activity on the claim. On his second visit to the claim, March 29, 1976, he observed the cuts which were made on the claim. (Tr. 86).

Les Harling testified as to the work he had done on the claim as follows:

> "I've tested several places on the claim, in the creek, different high bars, and I've been attempting to sink an adit or a drift into the high face described by Emmett Ball; called the 'portal' in 'Exhibit No. 8', but it's about a 100-foot high wall and it's been sloughing since 1916 and it's trying to--like put a tunnel under water. The more I dig, the more it runs. And once in a while, I get into good ground, and then it runs in some more.
>
> * * * * *
>
> If I was in good ground, I think I could move 4 to 5 feet easily in a day; by wheelbarrow and shovel and moving it out, but with the way it sloughs in, it's a whole different proposition because I'm moving a hundred feet high bluff as it runs down into me. I just keep shovelling it out, it keeps running back in." (Tr. 92-93).

He has lived on the claim continuously for the last four years. (Tr. 94). The purpose of living there is to mine the claim and also because of the problem with vandalism or theft of his mining equipment. His family also has lived on the claim with him (Tr. 95). He testified that the purpose of his garden on the claim was for a matter of convenience because the distance to drive to the local store was such a long drive, and the roads are in very poor condition. (Tr. 96).

Les Harling described how Mr. Ball took his samples from the claim as follows:

> "Basically, his technique was to take samples from varying heights or varying locations; in the old river deposits, throughout the big rocks, fill up a pan with it, carry it over the water and shake it out and he had an insert inside of his pan that he used to get the gravel out with, and then he just panned it down. And I watched him very carefully and found nothing wrong with his panning techniques.
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> * * * * *
>
> He went down inside of a backhoe cut and took samples from around the ground that would indicate to be the most gold-bearing, the placer deposits, and put these in a sack and took them down to McNeal Creek and panned them out in a driving rainstorm." (Tr. 97-98).

On cross-examination, Les Harling testified that he has removed about 40 yards of material from the adit. (Tr. 107). He has taken pan samples from the adit, and he has also sampled it with a sluice box and a pump as well as a suction dredge. As to the amount of gold he has taken out he testified:

> "At different times I get different amounts. Sometimes it looks pretty good and other times it looks pretty poor." (Tr. 108).

He doesn't think that he is down into virgin ground yet, but maybe another 10 feet, and he will reach it. (Tr. 108).

Les Harling testified that he has worked approximately a total of 60 to 90 days of hand labor on the claim. (Tr. 109). He testified that he attributes the greatest value to the adit.

> "There's possibly a high bar--a high channel--that cuts across the ridge line on the west side of the claim. I haven't found it yet.
>
> * * * * *
>
> So, as for what I've found, yes. I think that's probably where the greatest values lie for--for what I've discovered." (Tr. 110).

His brother, William Harling, occupies the trailer on the claim part of the time. (Tr. 114).

William Harling testified that he had made an investigation of the geological formation of the area that he had marked on Exhibit A, a diagram. (Tr. 115-116). He stated that he had done:

> "Many extensive investigations on both patented and nonpatented mineral grounds up and down the Salmon River, extending from Henry Bell Gulch to Nordheimer Creek." (Tr. 117).
>
> "Both in the past and what present values seem to exist now, I've done extensive testing on the Missouri Bar property, removing nearly a hundred yards of material, running it through a sluice box--actually, it's a jig box, shaker-sluice box--and with the use of a backhoe, values ran in the neighborhood of one pennyweight per yard run. That's all material, not just the small aggregate concentrates, that's all material we moved." (Tr. 118).

Much of the area (approximately 90%) he referred to on Exhibit A is not on the Sunny Flat claim, but he plans to file on the area. (Tr. 121-122).

Some of the material extracted from the area shown on Exhibit A was extracted from the Sunny Flat claim. (Tr. 122). He testified regarding his sampling:

> "All up and down the McNeal Creek, around the portal area near the pond, and along the ridge line that goes up onto the Hobbit Hole Group which borders our other claim.
>
> * * * * *

> The tests we ran on 30 June and around the 1st of July last year, '75, values at the back of the mine ran around $1.15 a yard at today's gold prices, $130 an ounce.
>
> * * * * *
>
> Right now it is sloughed in. Approximately 8 to 10 feet of the tunnel has been refilled by slough; but when we were back that far, we were showing approximately a quarter of an ounce per yard. Up along the back side, along the creek, I have panned values as high as one-tenth of a pennyweight per yard that weighed out after running through two yards of material." (Tr. 126-127).

William Harling calculated the amount of gravel on the claim as follows:

> "Going from an over-view look using topo maps and aerial photos, we figure there is an area of approximately 28,500 square yards on top of the mean depth of approximately 16 yards from the ore body which would give us approximately 457,552 yards, approximately, of river deposited gravels that belong to the same group as the Missouri Bar piece, Horn Field piece, Bennett-McNeal Placer Mine piece, the lower part of Carney Bar piece." (Tr. 128).

He has also calculated out what it would cost to take the gravel out. He testified that he has entered into negotiations to buy an HD-16 Caterpiller tractor. He has already paid $600.00 for it and still owes $4,900.00 on it. He stated that he presently owns a dewatering cone and two 20-foot shaker-sluice boxes. (Tr. 128). He still needs to buy a pump which he estimates may cost around $700.00. He testified that:

> "We'll need various and sundry other things. We figure that, including our diesel fuel, barring major breakdowns, we'll have less than $30,000 invested in this project by the time we finish, money that we have access to." (Tr. 129).

William Harling testified that with a partner in another mine, he has a 35-foot, 36-inch diameter, trommel valued at around $1,000.00. He also has a concentrator; he estimates its value to be around $1,000.00. (Tr. 129).

In regard to cost, he testified:

> "* * * an HD-16 will burn approximately 30 gallons of fuel in an 8-hour day; and about 50 cents a gallon, top price for diesel fuel--that's $15; figure $15 for the upkeep, grease and maintenance on the machine itself. A 2-man operation, it shouldn't other than their salaries, it shouldn't take up more than 30 to maybe $50 a day, top. A machine that size could move a minimum of 200 yards a day." (Tr. 130)
>
> "If we figured it at a tenth of a pennyweight per yard, which is a reasonable figure, that would mean that there would be 20 ounces in 200 yards of material. 20 ounces at present-day prices would bring you around $2,600 a day. This is well within a possibility because of the past record I know of that particular bar." (Tr. 131).

He was of the opinion that a hand operation would be feasible once they got back into virgin ground so that they wouldn't be faced with the problem of constant sloughing. He stated that this could be accomplished by taking a backhoe in, removing the present portal, and putting a shield-type operation in until virgin ground is struck. He testified that two men working in a tunnel that size could move 4 to 5 feet of dirt a day and in a week between 60 to 100 yards of dirt using a suction bucket, a double drum, and wheelbarrows. It would be something of a small hydraulic situation. It was his belief that 3 to 5 ounces of gold could be recovered in a weeks time, and at $130 an ounce would amount to $390 a week, roughly $200 apiece for two men. (Tr. 131-132).

William Harling testified that he lives in the trailer on the claim. On this particular claim, he has only done about 3 to 5 weeks of actual work because he has 11 other claims in the area that also require his attention. (Tr. 133).

SUMMARY OF APPLICABLE LAW

In this proceeding, the Contestant is required to produce sufficient evidence to establish a prima facie case in support of its contention that a discovery does not exist on the contested claim. Thereafter, the Claimant must show by a preponderance of the evidence that the claim is valid. Foster v. Seaton, 271 F. 2d 836 (D.C., C.A., 1959); United States v. Springer, 491 F. 2d 239, 242, (9th Cir. 1974), cert. denied, 95 S.Ct. 60 (1974).

The Act under which this mining claim was located (30 U.S.C., 22 et seq., May 10, 1872) requires for a valid claim the discovery of a valuable mineral deposit.

It has been held in a long list of cases beginning in 1894 that a discovery exists where:

> "* * * minerals have been found and the evidence is of such a character that a person of ordinary prudence would be justified in the further expenditure of his labor and means, with a reasonable prospect of success, in developing a profitable mine . . . ." Castle v. Womble, 19 L.D. 455, 457 (1894).

In the United States Supreme Court case of Chrisman v. Miller, 197 U.S. 313 (1905), the Court approved the earlier definition by the Department, Castle v. Womble, supra, that a mineral found on a claim such as gold or silver must exist in quantities sufficient to justify the expenditure of money for the development of the claim and extraction of the mineral. (See also Best v. Humboldt Placer Mining Co., 371 U. S. 334 (1963)).

The Supreme Court has further held that it is the intent of the mining laws to reward the discovery of minerals which are valuable in an economic sense and that the minerals which would not be extracted by a prudent man because there is no demand for them for a price higher than the extraction and transportation costs are not economically valuable. United States v. Coleman, 390 U. S. 599 (1968).

A prima facie case has been made when a Government mineral examiner testifies that he has examined the claim and found the evidence of mineralization insufficient to support a finding of a discovery. United States v. Shield, 17 IBLA 91 (1974); United States v. Ramsher Mining and Engineering Co., Inc., 13 IBLA 268 (1973); United States v. Woolsey, 13 IBLA 120 (1973); United States v. Gould, A-30990 (May 7, 1969).

DISCUSSION

As a preliminary matter, a motion was made on behalf of the Contestees to amend the Answer to the Complaint, eliminating any assertion of ownership over Sunny Flat #2 claim. The motion for amendment was granted. (Tr. 3-4).

The Contestant, after preliminary examination of William Harling, offered to abandon the contest proceeding as to the Sunny Flat #2 claim.

(Tr. 17-18). As a result, with both the Complaint and Answer withdrawn with respect to the Sunny Flat #2, that claim will not be further considered in this decision.

We have a situation in this case where the mining engineer for the United States Forest Service, the Contestant herein, examined the claim on several occasions and took samples from areas that were open and available for sampling. Even Les Harling watched Mr. Ball, the mining engineer, sample the claim, and stated "I watched him very carefully and found nothing wrong with his panning techniques." The samples which were taken and panned to a concentrate were sent for free gold determination and fire assay. (Tr. 27). The Contestees complain of the fire assay in their brief at page three, quoting from the Bureau of Mines sponsored SME Mining Engineering Handbook to the effect that:

> "Fire assaying should never be used in placer evaluations because of the misleading results obtained."

That is a correct statement; however, the mistaken results that are obtained are that more gold can be shown than could possibly be recovered from placer type operations. So in this case, the selection of that means of assaying for available gold by the Forest Service created a bias in favor of the Contestees. At this point, certainly the Contestees cannot be heard to complain of the advantage that they have been given by the Forest Service.

The samples show approximately one cent per cubic yard. Mr. Ball's testimony indicated that one would have to have material running at least a dollar and a half a yard, if you didn't have any other problems, in order to have an economical operation. (Tr. 30).

Thus, the examination of the places open for sampling by a qualified mining engineer resulting in samples of such a low value clearly establishes the required prima facie case by the Contestant. A careful examination of the evidence submitted by the Contestees fails to reveal anything that would rebut the prima facie case. Although a good deal of testimony was given as to the cost of operation, there is nothing, other than conjecture, to show that gravel of the value contemplated in the cost analysis is actually available to be mined. No test was made of a measured amount of gravel to determine the actual value per yard.

Although there was testimony by William Harling that he had run materials through a jigger box and a sluice box, and that the values ran in the neighborhood of one pennyweight per yard, he did not show precisely the yardage moved and how it was measured, nor did he indicate what amount of this material was actually taken from the Sunny Flat claim. It appears rather that most of it was taken from areas other than the

Sunny Flat claim. (Tr. 121-122). He indicated values taken from the back of the tunnel area were at $1.15 a yard. However, he admitted that the tunnel was caved by sloughing and not available for sampling.

It has been held many times by the Interior Board of Land Appeals that the United States Forest Service is not obligated to go beyond what is shown in the exposed workings on a claim in attempting to verify a discovery. See United States v. Herbert Clark, 18 IBLA 368 (1975).

Based upon the foregoing, I conclude that there has been no showing that a discovery exists, within the meaning of the United States Mining Law, on the Sunny Flat Placer Mine, and it is, therefore, declared to be null and void. Having made the above finding, there is no necessity to consider the charges "B" and "C" contained in paragraph five of the Complaint. All requested Findings of Fact set forth in the Contestees' brief, if not specifically covered in the foregoing, are hereby denied or found to be immaterial to the decision herein.

_____
E. Kendall Clarke
Administrative Law Judge

Appeal Information

An appeal from this decision may be taken to the Board of Land Appeals, Office of the Secretary, in accordance with the regulations in 43 CFR Part 4 (revised as of October, 1976). Special rules applicable to public land hearings and appeals are contained in Subpart E. If an appeal is taken, the notice of appeal must be filed in this office (not with the Board) in order to facilitate transmittal of the case file to the Board. If the procedures set forth in the regulations are not followed, an appeal is subject to dismissal. The adverse party to be served with a copy of the notice of appeal and other documents is the attorney for the Bureau of Land Management whose name and address appear below.

Distribution:
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